

# Suffolk County Planning Commission Advisory News

Donald Eversoll  
CHAIRMAN  
*At Large*

Robert Martin  
VICE CHAIRMAN  
*Smithtown Town*

Louis Dietz  
SECRETARY  
*Babylon Town*

Frank A. Cichanowicz  
*Southold Town*

James P. Daly  
*East Hampton Town*

George J. Dickerson  
*Shelter Island Town*

Richard London  
*Village under 5,000  
population*

Michael J. Macco, Esq.  
*Huntington Town*

Laure C. Nolan, Esq.  
*Village over 5,000  
population*

Richard M. O'Dea  
*Riverhead Town*

Edward J. Rosavitch, P.E.  
*Brookhaven Town*

Frank A. Tantone, Esq.  
*Islip Town*

Gilbert L. Shepard  
*Southampton Town*

Mardooni Vahradian  
*At Large*

Volume 1  
Issue 1  
Spring - 1997

## ADVISORY DEED COVENANTS

RECENTLY, the Suffolk County Planning Commission adopted new guidelines for **advisory deed covenants**. These new guidelines cover proposed subdivisions planned on farmland, abutting farmland or near farmland.

The explosive second home or retirement home market or, in some cases, the continued wave of suburban development running up against farmland has not only fueled the loss of farmland, but creates new neighbors for farmers. This brings farming practices under closer scrutiny, and fosters conflicts between a perceived "rural" lifestyle and a noisy, dusty, active industry. Heightened awareness of environmental hazards caused by an over abundance of synthetic chemicals and abundant attendant publicity have placed great pressures on the farming community.

The layout of new subdivisions near farms coupled with advisory covenants for new homeowners can go a long way to lessen conflicts. Farmers are also learning to work with their new neighbors in the timing and extent of their irrigation, pest and weed control, harvesting and composting operations. Grouping new lots in a compact form rather than spreading them out along farm fields minimizes the "conflict frontage". Notifying new landowners that their property is near an active farm which could include noise, dust, spraying, odors gives them a more realistic message about farming. Because of the importance

of farming to the economy of Suffolk County and its links to business and tourism, it would be a shame if, by lack of foresight, an important segment of the county's economy is overwhelmed by an ex-urban home market. Further, the loss of farming would damage the very roots of Suffolk County's history and community fabric.

In addition to the farmland advisory covenant, the Planning Commission has, for sometime, recommended advisory deed covenants on planned subdivisions located near airports or waste disposal sites. While some speculation might exist that advisory covenants would have a negative impact on marketing of properties, such has not proven to be the case either nationally or locally. Usually, site decisions are made after due diligence by buyers and their consultants, and the advisory covenant serves to confirm what is already known or it is not the one thing that dissuades a buyer. Generally, the more site information is available to people the better, for them, their communities and for the adjacent land uses which might be creating the impacts.

When recommending advisory covenants adjacent to airports, the Commission uses the FAA noise contour maps filed for each airport, coupled with the runway approach paths to determine the areas off-airport with the greatest impacts. When examining abandoned waste dumps, municipal solid waste disposal facilities or other potentially hazardous sites, the Commission relies on information from the Suffolk County Health Department and others. This may include the nature of the material buried, its age, its extent and any testing, monitoring, or remediation reports available.

The use of advisory covenants or statements noted on filed maps can be one more method for government to protect the health, safety and welfare of its citizens and provide additional forethought for buyers involved in real estate transactions.